

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1077 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 35-46-3-4.5 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4.5. (a) As used in this
- 5 chapter, "law enforcement animal" means an animal that is owned or
- 6 used by a law enforcement agency for the principal purposes of:
- 7 (1) aiding in:
- 8 (A) the detection of criminal activity;
- 9 (B) the enforcement of laws; and
- 10 (C) the apprehension of offenders; and
- 11 (2) ensuring the public welfare.
- 12 (b) The term includes, but is not limited to, the following:
- 13 (1) A horse.
- 14 (2) An arson investigation dog.
- 15 (3) A bomb detection dog.
- 16 (4) A narcotic detection dog.
- 17 (5) A patrol dog.
- 18 ~~(6) A search and rescue dog.~~
- 19 ~~(7) A tracking dog."~~
- 20 Page 1, line 13, delete "or".
- 21 Page 1, line 15, after "," insert "or".
- 22 Page 1, between lines 15 and 16, begin a new line block indented

1 and insert:
2 **"(4) death;"**.
3 Page 1, line 16, delete "The offense is a Class C felony if".
4 Page 1, delete line 17.
5 Page 2, delete line 1.
6 Page 2, between lines 12 and 13, begin a new paragraph and insert:
7 "SECTION 2. IC 35-46-3-11.3 IS ADDED TO THE INDIANA
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2003]: **Sec. 11.3. (a) As used in this section,**
10 **"search and rescue dog" means a dog that receives special training**
11 **to locate or attempt to locate by air scent or ground or water**
12 **tracking a person who is an offender or is lost, trapped, injured, or**
13 **incapacitated.**
14 **(b) A person who knowingly or intentionally:**
15 **(1) interferes with the actions of a search and rescue dog while**
16 **the dog is performing or is attempting to perform a search**
17 **and rescue task; or**
18 **(2) strikes, torments, injures, or otherwise mistreats a search**
19 **and rescue dog;**
20 **commits a Class A misdemeanor.**
21 **(c) An offense under subsection (b)(2) is a Class D felony if the**
22 **act results in:**
23 **(1) serious permanent disfigurement;**
24 **(2) unconsciousness;**
25 **(3) permanent or protracted loss or impairment of the**
26 **function of a bodily member or organ; or**
27 **(4) death;**
28 **of the search and rescue dog.**
29 **(d) It is a defense that the accused person:**
30 **(1) engaged in a reasonable act of training, handling, or**
31 **disciplining the search and rescue dog; or**
32 **(2) reasonably believed the conduct was necessary to prevent**
33 **injury to the accused person or another person.**
34 **(e) In addition to any sentence or fine imposed for a conviction**
35 **of an offense under this section, the court may order the person to**
36 **make restitution to the person who owns the search and rescue dog**
37 **for reimbursement of:**
38 **(1) veterinary bills; and**
39 **(2) replacement costs of the dog if the dog is disabled or**
40 **killed."**

- 1 Page 3, line 2, after "act," insert "**and IC 35-46-3-11.3, as added by**
- 2 **this act,**".
- 3 Renumber all SECTIONS consecutively.
(Reference is to HB 1077 as printed February 7, 2003)

Representative Reske